CHAPTER 9

OIL MANAGEMENT ASHORE

9-1 Scope

9-1.1 This chapter identifies requirements and responsibilities applicable to the prevention of oil pollution and the collection, reclamation, and disposal of oily wastes and used oils ashore. Requirements apply in all areas within the United States, Commonwealth of Puerto Rico, Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands. Chapter 18 provides Navy policy with respect to activities in foreign countries.

9-1.2 Chapter 10 describes the Navy response to oil spills under the National Contingency Plan (NCP). Chapter 12 describes the management of petroleum products, residues, or other mixtures that meet the reference (a) definition of hazardous waste (HW). Chapter 16 describes Management of storage tanks. Chapter 19 addresses shipboard oil pollution abatement.

9-1.3 *References.*

a. 40 CFR 260-266, Hazardous Waste Management System

b. 40 CFR 110, Discharge of Oil

c. 40 CFR 279, Standards for the Management of *Used Oil*

d. 40 CFR 270, Standards for Used Oil Processors and Refiners

e. 33 CFR 154, Oil Pollution Prevention Regulations for Marine Oil Transfer Facilities

f. 40 CFR 112, Oil Pollution Prevention

g. 49 CFR 110, Hazardous Materials Public Sector Training and Planning Grants

h. 49 CFR 171 (Subchapter C), Hazardous Materials Regulations

i. 49 CFR 174, Carriage by Rail

j. 49 CFR 176, Carriage by Vessel

k. NFESC 7-03, Oil Spill Prevention Control and Countermeasures Planning Manual (NOTAL).

9-2 Legislation

9-2.1 Federal Water Pollution Control Act as amended by the Clean Water Act of 1977 (CWA). Requires Federal activity compliance with applicable requirements concerning the control of oil pollution. Prohibits the discharge of oil into any surface waters of the U.S., if the discharge violates applicable water quality standards or effluent standards or causes a sheen on, or film upon, or discoloration of the surface of the water or adjoining shorelines, or causes a sludge or emulsion to be deposited beneath the surface of the water, or upon the shoreline.

9-2.2 Military Construction Codification *Act, Section 6.* *Contains a provision that allows* net proceeds from the sale of recyclable materials (including used oil) to be used by Navy activities for certain purposes.

9-2.3 Oil Pollution Act of 1990 (OPA 90). Amends Section 311 of the CWA to clarify Federal response authority, increase penalties for spills, establish *United States Coast Guard (USCG)* response organizations, require tank vessel and facility response plans, and provide for contingency planning in designated areas. The

OPA 90 provides new contingency planning requirements for both government and industry and establishes new construction, manning, and licensing requirements for tank vessels. The OPA 90 also increases penalties for regulatory noncompliance, broadens the response and enforcement authorities of the Federal government, and preserves State authority to establish laws governing oil spill prevention, response, and periodic drills and exercises.

9-3 Terms and Definitions

9-3.1 Boiler. An enclosed device using controlled flame combustion and having the following characteristics:

a. The unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases; and

b. The unit's combustion chamber and primary energy recovery section(s) is of integral design, i.e., the combustion chamber and primary energy recovery section(s) is physically formed into one manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery section(s) are joined only by ducts or connections carrying flue gas is not integrally designed. However, secondary energy recovery equipment (such as economizers or air preheaters) need not be physically formed into the same unit as the combustion chamber and the primary energy recovery section(s). The following units are not precluded from being boilers: process heaters (units that directly transfer energy to a process stream), and fluidized bed combustion units; and

c. While in operation, the unit must maintain a thermal energy recovery efficiency of at least 60 percent, calculated in terms of the recovered energy compared with the thermal value of the fuel; and

d. The unit must export and use at least 75 percent of the recovered energy calculated on an annual basis. In this calculation, no credit shall be given for recovered heat used internally in the same unit. (For example, preheating fuel or combustion air, driving induced or forced draft fans or feeding water pumps); or

e. The unit is one that the Environmental Protection Agency (EPA) Regional Administrator has determined on a case-by-case basis, to be a boiler, after considering the standards in reference (a), Subpart C, Part 260.32, Variances To Be Classified As A Boiler.

9-3.2 Bulk-oil Tank. Any permanent, stationary container designed to store an accumulation of, or process oil that is constructed of non-earthen materials that provide structural support.

9-3.3 Industrial Furnace. Any of the following enclosed devices that are integral components of manufacturing processes and use controlled flame devices to accomplish recovery of materials or energy:

a. Cement kilns

b. Lime kilns

c. Aggregate kilns

d. Phosphate kilns

e. Coke ovens

f. Blast furnaces

g. Smelting, melting and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters, and foundry furnaces)

h. Titanium dioxide chloride process oxidation reactors

i. Methane reforming furnaces

j. Pulping liquor recovery furnaces

k. Combustion devices used in the recovery of sulfur values from spent sulfuric acid

l. Such other devices as the EPA Administrator may, after notice and comment, add to this list on the basis of one or more of the factors described in reference (a), Subpart B, Part 260.10.

9-3.4 Lubricating (Lube) Oil. Crankcase oil, cutting oil, gear lubricant, metalworking lubricant, hydraulic oil, and transmission fluid.

9-3.5 Navigable Waters. As defined in reference (b), Section 110.1, *"Navigable Waters"* means the waters of the United States, including the territorial seas. The term includes:

a. All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide.

b. Interstate waters, including interstate wetlands.

c. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, and wetlands, the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:

(1) That are or could be used by interstate or foreign travelers for recreational or other purposes.

(2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(3) That are used or could be used for industrial purposes by industries in interstate commerce.

d. All impoundments of waters otherwise defined as navigable waters under this section.

e. Tributaries of waters identified in paragraphs a-d of this section, including adjacent wetlands.

f. Wetlands adjacent to waters identified in paragraphs a-e of this section: Provided, "That *waste treatment systems (other than cooling ponds* meeting the criteria of this paragraph) are not waters of the United States..."

9-3.6 Off Specification Used Oil. Used oil that is not mixed with HW and that has constituents and properties, as determined by tests, that exceed the specified limits set in Table 1, reference (c).

9-3.7 Oil. As defined by OPA 90, Section 1001, "oil" means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil, but does not include petroleum, including crude oil or any fraction thereof, that is specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601) and which is subject to the provisions of that Act.

NOTE:

This definition includes vegetable oil.

9-3.8 On Specification Used Oil. Used oil that is not mixed with HW and that has constituents and properties, as determined by tests, that do not exceed the specified limits set in Table 1, reference (c).

9-3.9 Processing. Any chemical or physical operations designed to produce from used oil, or to make used oil more amenable for production of, fuel oils, lubricants, or other used oil-derived products. Processing includes, but is not limited to:

blending used oil with virgin petroleum products, blending used oil to meet the fuel specification, filtration, simple distillation, chemical or physical separation and re-refining.

9-3.10 Reclaimed. A material is reclaimed if it is processed to recover a usable product, or if it is regenerated.

9-3.11 Recycled. A material is recycled if it is used, reused, or reclaimed.

9-3.12 Transportation or Non-Transportation Related Oil Storage Facilities. Shore activities with oil storage facilities are classified as either transportation-related or non-transportation-related. Transportation-related facilities are primarily involved with bulk oil transfer. Bulk oil transfer includes transferring oil from stationary storage tanks to tanker ships, highway tankers, and railroad tank cars for transport to off-site locations. Non-transportation-related facilities are primarily involved in fuel storage for on site use.

9-3.13 Used Oil. Any oil that has been refined from crude oil, or any synthetic oil, that has been used and because of such use is contaminated by physical or chemical impurities.

9-3.14 Used Oil Generator. Any person, by site, whose act or process produces used oil or whose act first causes used oil to become subject to regulation.

9-3.15 Used Oil Management Plan. A document that identifies sources of used oils, primary used oil segregation groups, recycling options, and detailed operational requirements for a specific Navy facility or facilities. (May be incorporated into or referenced in installation Hazardous Material Management Plan, or Pollution Prevention Plan.)

9-3.16 Used Oil Processor. A facility that processes used oil.

9-3.17 Used Oil Transfer Facility. Any transportation-related facility including loading docks, parking areas, storage areas and other areas where shipments of used oil are held for more than 24 hours and not longer than 35 days during the normal course of transportation, or prior to an activity performed under reference (c), Section 279.20(b)(2). Transfer facilities that store used oil for more than 35 days are subject to regulation under reference (d).

9-3.18 Used Oil Transporter. Any person who transports used oil, any person who collects used oil from more than one generator and transports the collected oil, and owners and operators of used oil transfer facilities. Used oil transporters may consolidate or aggregate loads of used oil for purposes of transportation but, with the following exception, may not process used oil. Transporters may conduct incidental processing operations that occur in the normal course of used oil transportation (e.g., settling and water separation), but do not produce (or make more amenable for production) used oil derived products or used oil fuel.

9-4 Requirements

9-4.1 Oil Storage Facilities. Transportation-related facilities serving vessels are subject to current USCG regulations. Through reference (e), the USCG requires facility operation manuals for applicable marine transportation-related facilities. These regulations, which apply to all components of DOD, address aspects of the design and operation of on-shore and offshore facilities that are engaged in the transfer of bulk oil to and from vessels.

EPA, through reference (f), requires spill prevention plans for applicable onshore non-transportation-related facilities.

The Research and Special Programs Administration (RSPA), under reference (g) requires response plans for onshore transportation-

related facilities, namely pipelines and tank trucks that leave naval facilities. See 10-4.1.

9-4.2 Spill Prevention Control and Countermeasure (SPCC) Plans

9-4.2.1 Facilities that are not transportation-related will have a SPCC Plan that provides a history of oil spill events, the potential for discharge of oil, as well as containment procedures and equipment to prevent oil spills into or upon a navigable waterway or shoreline of the U.S. A registered professional engineer (PE) in the State of jurisdiction must initially certify the SPCC plans, and the facility must review and evaluate them. Based on the review and evaluation, facilities will amend SPCC plans within 6 months of the review. Facilities must update their SPCC plans on a triennial basis and a PE must sign them.

9-4.2.2 SPCC plans are not required if the facility has an aggregate unburied storage capacity of 1,320 gallons or less of oil (provided no single container capacity exceeds 660 gallons), has a total underground storage capacity of 42,000 gallons or less, or could not reasonably be expected to discharge oil into or upon the navigable waters of the U.S. or adjoining shorelines because of facility location. Facilities that have experienced a spill into navigable waters of 1,000 gallons, or two reportable spills into navigable waters in any 12-month period, are required to submit SPCC plans to the EPA Regional Administrator under reference (f) within 60 days following such a spill.

9-4.2.3 New shore activities will prepare SPCC plans within 6 months of first operation and implement SPCC plans no later than 1 year after beginning operations. They will review SPCC plans and implement them within 6 months of a change in facility design, operation or maintenance, or the construction, completion and acceptance of a new facility that materially affects the facility's potential for the discharge of oil to navigable waters or adjoining shoreline.

9-4.2.4 Facilities will maintain SPCC plans at the facility and keep them available to EPA Regional Administrators or their designated representatives, and State and local agencies for on-site review during normal working hours.

9-4.3 Used Oil Recycling. DOD policy memoranda direct military departments to maximize the segregation, recycling and reuse of used oils, and to comply with Resource Conservation and Recovery Act (RCRA) regulations.

9-4.4 Used Oil Fuels Burned for Energy Recovery

9-4.4.1 Facilities burning used oil for energy recovery must test it. Used oil is subject to regulation under reference (c) unless the constituents and properties of the used oil do not exceed the allowable limits specified in Part 279.11. Used oil that does not have constituents and properties that exceed specification, i.e., the allowable limits set by Table 1 in Part 279.11, is not regulated under Part 279. However, the specification standard does not apply to mixtures of used oil and HW still regulated as HW according to Part 279. Also, used oil containing more that 1,000 parts per million total halogens is presumed to be a HW under Part 279.10(b)(1) unless it can be shown that the used oil does not contain HW using acceptable analytical methods.

9-4.4.2 Included in Part 279 are standards for used oil generators, transporters, transfer facilities, processors, marketers, and burners burning off-specification used oil for energy recovery. Part 279 also contains specific spill prevention and contingency-planning requirements for used oil storage, transfer and processing facilities.

9-4.4.3 Used oil that is mixed with a HW or HWs identified as such under reference (a), Subpart C, Characteristics of Hazardous Waste or under Subpart D, Lists of Hazardous Wastes, is subject to regulation as a HW (under reference (a)) if the

mixture exhibits any characteristics of HW as identified in Subpart C. Reference (c) prescribes specific provisions as to the applicability of the RCRA regulations to the management and use of used oil. Burning used oil that is a HW solely because it exhibits a characteristic of HW is subject to standards set forth in reference (c). The management and use of used oil, whether or not the used oil exhibits any characteristics of a HW, are regulated under reference (c).

9-4.4.4 Synthetic oils, fluids, and lubricants must be segregated from the crude-oil-derived used oil.

9-4.4.5 EPA must be notified by persons marketing or burning HW fuel, specification used oil fuel and off-specification used oil fuel. The sale of regulated fuels by the Defense Reutilization and Marketing Office (DRMO) is marketing; the transfer of regulated fuels between the various DOD components and activities are not.

9-4.5 Prohibited Uses of Used Oil. Used oils will not be used for environmentally unacceptable purposes such as weed control, insect control, road surfacing, dust control, or open pit burning.

A) **9-5 Navy Policy.** Navy shore facilities and Navy ships routinely manage oily wastes and waste oil. This chapter primarily addresses policy related to shore facilities. Chapter 19 contains policy for ships.

9-5.1 Navy Shore Facilities OPA 90 Compliance. Naval facilities shall use reference (f) for developing non-transportation-related facility response plans. Marine transportation-related facilities shall use reference (e) to develop response plans. All facilities shall use references (h), (i) and (j) to develop response plans for off-base transportation pipelines and bulk packaging. Normally a facility shall develop one response plan to address the requirements of all applicable response planning requirements, since most naval facilities are "complex" facilities under the OPA 90 regulations. The SPCC plan shall be a separate document. See chapter 10 for specific details on developing facility response plans.

9-5.2 Oil Storage Facilities. Navy policy is to meet USCG and EPA oil pollution prevention regulations pertaining to transportation-related and non-transportation-related facilities and to exceed those regulations wherever practicable.

9-5.3 Used Oil Recycling. Oil shall be recycled and reused within the Navy whenever technically and environmentally feasible and when environmentally acceptable. Navy policy is to recycle used oil per Federal, State and local regulations.

9-5.3.1 Military personnel and civilian employees shall be encouraged to collect used lube (crankcase) oil from personal vehicles for recycling via Navy installation, local, or regional used oil recycling programs.

9-5.3.2 If recycling of used lube oil is not feasible for economic reasons, the lube oil may be burned as a fuel or fuel supplement, provided appropriate chemical and economic analyses are made to determine suitability of burning as well as compliance with air pollution control requirements (chapter 5) and HW regulations (chapter 12).

9-5.3.3 When allowed by military used oil specifications, large installations or complexes shall consider closed loop used lube oil re-refining by commercial re-refiners.

9-5.3.4 Net proceeds from the sale of used oil shall be used by a Navy generating installation that has a qualified recycling program (QRP) for certain purposes as specified in chapter 14.

9-5.4 SPCC plans shall be developed as described in paragraph 9-4.2 and shall be prepared per Federal, State, and local requirements.

9-5.5 Oily Waste/Waste Oil (OW/WO) Management Plans. The cost and potential (A

environmental compliance problems associated with oily waste/waste oil (OW/WO) management both ashore and afloat necessitate a comprehensive approach that maximizes opportunities for recovery and recycling of usable product on a cost effective basis, provides necessary support to ships and submarines with varying capacities to retain or otherwise manage oily waste, and considers circumstances unique to specific ports, including the State and local regulatory climate. To balance these considerations correctly, facilities shall implement the following planning procedures:

A) **9-5.5.1 Oily Waste/Waste Oil Management Plan General Requirements.** Shore Facilities that manage oil products or waste products shall develop OW/WO Management Plans as follows:

a. The complexity and content of the OW/WO Management Plan will depend on the individual homeport or Navy activities grouped within a region. Factors affecting the management of OW/WO at individual port activities include, but are not limited to, the local environmental regulatory requirements, local water quality, the availability of shoreside infrastructure and resources, assigned ship classes and time in port, and bilgewater and other OW/WO generation rates.

b. OW/WO Management Plans shall include activity-specific policies for collecting, treating, and disposing of bilgewater from naval vessels and other shipboard and shoreside oily wastes. Facilities shall make this plan consistent with the policy set forth in section 19-5. It shall address the management of shipboard OW/WO from ships where oil water separators (OWSs) and oil content monitors (OCMs) are either not installed or installed, but not operational

c. Each plan shall include an evaluation of the problems specific to the naval activity or region. The plan shall include a review and summary of the site-specific regulatory requirements for the collection, treatment, transfer, and disposal of bilgewater and other OW/WO as well as the requirements for the use of reclaimed oil. It shall provide an inventory of existing OW/WO generating sources and treatment facilities that documents current generation rates and available resources for handling OW/WO.

Using this inventory, as well as the estimated future generation of OW/WO at the activity, the plan shall identify feasible alternatives for the collection, storage, treatment, and transfer of OW/WO. Alternatives may include various combinations of collection (waste oil barges, pier riser systems, pumping stations), storage (tankage, barges) treatment (package treatment units, commercial or Navy-owned oily waste treatment facilities, commercial hauler), and transfer (truck or rail car, pipelines). Plans shall discuss the unique regulatory situation affecting bilgewater and other OW/WO management in each area and justify the validity of each alternative considered. Activities shall conduct an economic analysis of the proposed alternatives that considers life-cycle costs for not less than 25 years.

The plan shall provide a plan of action with milestones for implementation of the recommended alternatives, including the appropriate project documentation for any project actions required under the recommended alternatives. For proposed military construction projects, facilities shall use the economic justification required by Commander Naval Facilities Engineering Command (COMNAVFACENGCOM) Economic Analysis Handbook, P-442, (NOTAL) as a basis for all economic comparisons. OW/WO Management Plans shall discuss procedures for plan implementation, addressing all facilities, equipment, personnel, and procedures indicated by the most feasible alternative.

d. OW/WO Management Plans have no established format. Facilities may prepare plans in the format of a regional instruction pertinent to assigned shore and afloat units. Regardless of the format chosen, the content and complexity of OW/WO Management Plans will depend upon the

characteristics of the individual activity or region as described below.

(1) Tier I activities. Tier I activities, because of their size, function, and geographic location, require management plans written from a regional perspective. These activities are the homeport to a large number and variety of ships where high volumes of bilgewater are generated daily. They are near enough to other Navy activities that planners should consider regionally shared OW/WO management strategies and alternatives for collection, storage, transfer, treatment, and disposal.

The Regional Environmental Coordinator (REC) for each Tier 1 activity shall develop and implement a Regional OW/WO Management Plan, with each individual oil-handling Navy installation within the geographic region of the Tier I activity having its own OW/WO Management Plan based on the most feasible regional alternative. The REC shall forward these plans to the Area Environmental Coordinator (AEC) for approval.

Tier I activities requiring OW/WO Management Plans written from a regional perspective are Commander, Navy Region Mid Atlantic (COMNAVREG MIDLANT NORFOLK VA), Commander, Navy Region Southwest (COMNAVREG SW SAN DIEGO CA), and Commander, Navy Region Hawaii (COMNAVREG PEARL HARBOR HI).

(2) Tier II activities. Tier II activities are major homeports and shipyards that are not part of a major geographic complex of activities covered by Tier I Regional OW/WO Management Plans. The requirements for Tier II activities are the same as for Tier I activities, except that the Tier II plans will not be written using a regional approach, but will be written specifically for the individual activity or complex, including tenant commands. The host activity is responsible for the development and implementation of the OW/WO Management Plans for Tier II activities, and forwards these plans to the cognizant REC for approval.

Tier II activities are:

(a) NAVSTA Mayport, FL

(b) SUBASE Kings Bay, GA

(c) NAVSHIPYD Portsmouth NH

(d) NAVMARIANASUPPACT GUAM

(e) NAVSHIPYD Bremerton, WA

(f) SUBASE Bangor, WA

(g) SUBASE New London, CT

(h) NAVSTA Everett, WA

(3) Tier III activities. Tier III activities are home ports not listed as Tier II activities and not covered by a Tier I OW/WO Management Plan. This category also includes other naval installations that may not serve as home ports but do have periodic ship berthing. Activities scheduled for Base Realignment and Closure are also Tier III activities. A Tier III activity may not require an OW/WO Management plan if ships do not routinely generate OW/WO or if they generate a small amount and dispose of it by methods that meet Federal, State, and local requirements. Activities planned for closure may need OW/WO Management Plans if there are specific regulatory concerns or if the existing operations are not cost-effective. Based on information provided by Tier III activities, RECs may waive the development of a discrete OW/WO Management Plan; otherwise, Tier III activities shall develop and submit an OW/WO Management Plan for cognizant REC approval.

e. The REC shall decide when to update the OW/WO Management Plans for Tier I activities, and the host activity will decide for Tier II and III

activities. Updates are necessary when significant operational changes occur that affect OW/WO collection, treatment and/or disposal; when construction of collection, treatment and/or disposal facilities are completed; and, when responsibilities for OW/WO management are transferred from one command to another.

f. The REC shall submit an annual OW/WO status report to CNO via the chain of command for Tier I activities. It will provide a summary of OW/WO management efforts in the region for the previous year. The report shall contain, at a minimum, the following for each activity managing shipboard OW/WO:

(1) Brief description of current OW/WO management practices;

(2) Brief description and status of projects for installation of OW/WO collection, treatment and/or disposal facilities completed in the previous year or planned;

(3) Status of ODR phase out, including number of ODRs eliminated in the previous year and number of ODRs remaining in use;

(4) Summary of the previous year's OW/WO management costs; and

(5) Brief description of the current regulatory climate, including any permit conditions, enforcement actions or negotiations with regulators.

The REC should submit the report to CNO by 1 November of each year.

A) **9-5.5.2 Oil Discharge Raft Phaseout**

a. Navy policy is to eliminate the use of ODRs as soon as possible in all Navy ports.

b. ODRs may continue in use at facilities where existing infrastructure is not sufficient to collect or treat bilgewater and a detailed OW/WO Management Plan has established a plan of action with milestones for their eventual elimination.

9-5.5.3 Use of Oil Water Separators By Ships In Port. (A Section 19-5 includes additional oily waste management and operational requirements for ships. Navy policy is to maximize segregation, recycling, and reuse of fuel and oil. Shoreside collection of OW/WO, followed by recovery of recyclable product is, therefore, the preferred method of dealing with OW/WO from ships. However, ships equipped with OWSs and OCMs may discharge via those systems in port. Discharged effluent may not exceed 15 parts per million (ppm) of oil in water, cause a sheen, or violate any other applicable water quality standard. Before discharging via an OWS, chapter 19 requires ships to consult with the supporting shore facility host command for discharge requirements.

9-5.5.4 Collection, Treatment, and Disposal of OW/WO. Under the appropriate circumstances and after consultation among the concerned activities, commands responsible for writing the plans may modify responsibilities to achieve the most economical method of OW/WO management for the Navy. The responsible commands should examine all options to maximize use of current facilities including functional transfer of OW/WO facilities, funding, and operating responsibilities.

9-5.5.5 OW/WO as Hazardous Waste (A

a. Under normal circumstances, bilgewater does not exhibit the characteristics of a HW and does not typically contain listed HWs. Circumstances develop, however, when bilgewater can become a HW, such as when an event introduces a HW into the bilge or when State law defines bilgewater as a HW even though not specifically contaminated. Chapter 19 requires ships to notify shore receiving facilities before offloading bilgewater or any other OW/WO if oily waste is contaminated from other than routine sources, such as aqueous film-forming foam

(AFFF), solvents, anti-freeze, or other HM. Shore installations shall handle, store, transport, treat and dispose of such OW/WO per applicable HW regulations. Installations shall not use ODRs to receive such waste. Some States consider bilgewater as hazardous waste. Chapter 19 requires ships in those states to consult with the host receiving facility for collection and discharge requirements.

b. Generally, installations should manage bilgewater like any other waste. That is, the generator bears the responsibility for determining whether or not it is hazardous. Since wastes from ships are not regulated as HW until offloaded, the receiving shore facility is the generator. The receiving facility shall sample and test bilgewater and other OW/WO batches periodically to see if the waste is a "characteristic" HW under 40 CFR 261.24 or meets the toxicity criteria of 40 CFR 261.11. If it exceeds the standards of either criteria, installations shall manage it as HW. The OW/WO Management Plan shall contain sampling protocols and procedures and require actions to trace and eliminate the source of contamination. Installations shall determine frequency of testing by reference to the historic characteristics of samples and their level of confidence in the consistency of samples.

A) **9-5.5.6 Compensating Fuel Ballast Water Systems and OW/WO.** Under normal circumstances, compensating fuel ballast water is neither OW/WO nor HW. Chapter 19 requires ships to strictly comply with fuel transfer and ballasting procedures to ensure ballast water does not become contaminated with oil or any other waste. Ships using self-compensating fuel tanks are required to ensure adequate margin is preserved to prevent inadvertent discharges of oil with the compensating water. Some State regulations require supporting shore activities to collect and process compensating fuel ballast water before discharge to the environment. Activities in these states shall address collection, treatment, storage, and disposal of such water in the OW/WO Management Plans.

9-5.5.7 Funding. OW/WO Management Plans shall include a requirements plan specifying the fiscal year of the funding by fund type. This information shall parallel information identified in cognizant major claimant Program Objective Memorandum (POM) and Program Review submissions. A summary of project documentation submitted for approval shall be included for alternatives that require military construction or claimant-approved special projects. Funding types that may be required include: Military Construction, Navy (MCN); Military Construction, Naval Reserve (MCNR); Operations and Maintenance, Navy (O&MN); Operations and Maintenance, Naval Reserve (O&MNR); and Other Procurements, Navy (OPN). (A

9-6 Responsibilities

9-6.1 COMNAVFACENGCOM shall

a. Provide technical advice and prepare revisions to reference (k) to assist shore activities in the preparation of SPCC plans.

b. Provide technical and administrative guidance associated with the collection, segregation, re-refining and disposal of used lubricating oil.

c. Provide technical and administrative guidance associated with the collection, segregation, re-refining and disposal of used contaminated fuels.

d. Provide technical advice and prepare appropriate manuals or other forms of guidance for used oil management.

9-6.2 COMNAVSUPSYSCOM shall provide technical and administrative guidance to Navy shore activities concerning USCG and EPA regulations.

9-6.3 Major claimants shall

a. Ensure that shore activities meet EPA requirements related to the prevention of oil spills and the preparation and review of SPCC plans.

A) b. Provide maximum cooperation with and support to facilities and RECs in the development and implementation of OW/WO Management Plans, including functional transfer of OW/WO facilities or operating responsibilities, and funding of plan requirements under their cognizance.

c. Ensure subordinate commands update area or regional instructions, including SOPA and SOPA ADMIN instructions, consistent with this chapter and approved OW/WO Management Plans.

A) **9-6.4 Area Coordinators** shall review and approve Tier I regional OW/WO Management Plans.

A) **9-6.5 Regional Environmental Coordinators** for regions III and IX shall issue Tier I regional home port OW/WO Management Plans for the Norfolk and San Diego areas respectively, as approved by the Area Coordinator. All RECs shall review and approve Tier II and III installation OW/WO Management Plans or exempt Tier III installations from the requirement.

9-6.6 Commanding officers of shore activities shall

a. Prepare activity SPCC plans per Federal, State, and local requirements; implement and review within prescribed periods.

b. Identify and submit, under chapter 1, environmental compliance projects required for implementation of the activity SPCC plan.

c. Comply with Federal, State, and local requirements concerning oil pollution and used oil fuels for energy recovery.

d. Establish and maintain a used oil-recycling program.

e. Comply with USCG and RSPA regulations for transportation-related oil storage facilities and EPA for non-transportation-related facilities.

f. Ensure that facility operations manuals are prepared, maintained, and submitted per USCG guidance reference (e).

g. Comply with OPA 90 requirements to prepare facility response plans, as discussed in chapter 10.

h. Develop or provide assistance in developing OW/WO Management Plans as follows: (A

(1) Tier I installations shall provide assistance to the cognizant REC in developing and implementing a regional OW/WO Management Plan.

(2) Tier II installations shall develop OW/WO Management Plans and submit them to the cognizant REC. Servicing Engineering Field Divisions/Activities and RECs shall provide technical and legal assistance as needed.

(3) Tier III installations shall develop OW/WO Management Plans and submit them to the cognizant REC for approval unless exempted from this requirement by the REC. Servicing Engineering Field Divisions/Activities and RECs shall provide technical and legal assistance as needed.